

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 S/S Martin Road, 870 ft. +/-
 E of c/l Marlyn Avenue * ZONING COMMISSIONER
 933 Martin Road
 15th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District
 Herman S. Breeden, et ux * Case No. 95-364-A
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 933 Martin Road in the residential subdivision known as Martindale in Eastern Baltimore County. The Petition is filed by Herman S. Breeden and Lorraine T. Breeden, his wife, property owners. Variance relief is requested from Section 301.1.A. of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 inches in lieu of the required 7.5 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the aforementioned property owner, Herman S. Breeden. He was represented by Alfred L. Brennan, Jr., Esquire. Appearing as interested persons/Protestants were Mr. and Mrs. Edward B. Janicki, who reside immediately next door to the subject property at 931 Martin Road.

Testimony and evidence presented by the Petitioner was that he and his wife have lived on the subject property since 1977. Mr. Breeden is 68 years of age and his wife is 76 years old. He advised that she is in poor health.

The subject property is approximately .155 acres in area and is zoned D.R.5.5. It is improved by an existing single family dwelling and a one story garage towards the rear of the property. Also on site is a small shed and a concrete driveway.

ORDER RECEIVED FOR FILING

Date

By

5/31/95
 M. G. G. G.

RECEIVED

Owing to his wife's age and poor health, Mr. Breeden testified that he decided to erect a carport over top of the existing concrete drive. As shown on both the site plan and the photographs submitted, the carport is attached to the exterior side wall of the subject property and extends over a portion of the driveway. The carport is open on three sides. Mr. Breeden indicated that the carport was useful in allowing he and his wife to enter and exit their vehicle during inclement weather and to unload groceries and other household items. Mr. Breeden also noted that numerous other residences in the subject community feature similar carports and produced a series of photographs depicting same.

For their part, the Janickis object to the carport for several reasons. First, they complained of noise from rain falling on the roof of the carport. Also, they are concerned if snow were to accumulate on the top of the carport roof and fall into their yard. They noted that their yard is located within a low lying area and does not drain well.

As to weather concerns, photographs of the carport do show that same is equipped with a rain gutter and downspouts to direct the water off of the roof and away from the Janickis' dwelling. Moreover, owing to the location of the existing driveway, clearly the only practical location for the carport is where same has been installed.

Based on the testimony and evidence offered, I am persuaded that the Petitioner has satisfied its burden and that the variance relief should be granted. The unique characteristic of this lot which justifies the variance is its narrow width and the placement of the existing structures. A carport of the dimension which would be allowed under the regulations would be too narrow to provide any practical benefit. Moreover, I am persuaded that for so long as the rain gutter and downspouts are main-

ORDER RECOMMENDED
5/13/95
DATE
By: M. G. Gosh

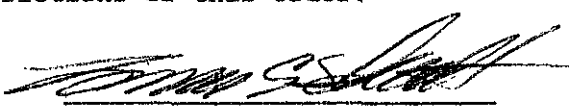
tained, the impact on the neighboring property will be negligible. For these reasons, I will grant the Petition for Variance, with restrictions.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of May, 1995 that a variance from Section 301.1.A. of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 inches in lieu of the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
3. The carport shall continue to be maintained with the rain gutter and downspouts so as to direct the flow of rain water off of the roof of same and away from the neighboring property at 931 Martin Road.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES/mmn


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Petition for Variance

95-364-H

to the Zoning Commissioner of Baltimore County

for the property located at

933 Martin Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1A (B.C.Z.R.) to permit

a side yard set back of 6 inches in lieu of the required 7.5 foot set back

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Petitioners have an existing covered carport next to their home.

There are other homes on the same street with carports.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

ALFRED L. BRENNAN, JR.

(Type or Print Name)

Signature

825 Eastern Boulevard

Address

Phone No

Baltimore, Maryland 21221

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

HERMAN S. BREEDEN

(Type or Print Name)

Signature

LORRAINE T. BREEDEN

(Type or Print Name)

Signature

933 Martin Road

Address

574-3043

Phone No

Baltimore, Maryland 21221

City

State

Zipcode

Name Address and phone number of representative to be contacted

ALFRED L. BRENNAN, JR.

Name

825 Eastern Boulevard

Address

687-3434

Phone No

Baltimore, Maryland 21221

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: R.T. DATE 4-14-95



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Zoning Administration

Development Management

ITEM # 360

95-364-A

BEING KNOWN AND DESIGNATED as Lot No. 96, as shown on the Plat of Martindale, which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.B. No. 14, folio 51. The improvements thereon being known as No. 933 Martin Road

ORIGINAL

ITEM # 360
~~400~~

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-364-A

District 15th

Date of Posting 5/7/95

Posted for: Variance

Petitioner: Hermant Lorraine Bradley

Location of property: 933 Martin Rd, S/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. Shealy
Signature

Date of return: 5/12/95

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-364-A (Item 360) -
933 Martin Road
9/8 Martin Road, 870' +/-
E of 61 Marlann Avenue
18th Election District
5th Councilmanic

Legal Owner:

Herman S. Breeden and
Lorraine T. Breeden
HEARING: TUESDAY,
MAY 23, 1995 at 2:00 p.m.
in Rm. 118, Old
Courthouse.

Variance: to permit a side yard setback of 6 inches in lieu of the required 7.5 foot setback.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For information
concerning the File and/or
Hearing, Please Call 887-3391.

4/290 April 27.

TOWSON, MD.,

4/28, 19 95

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/27, 19 95.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-364-A

Account: R-001-6150

ITEM - Number ~~455~~ 360

1.17

Date

4/14/95

010 Residential Voucher — \$50.00
080 POSTING & SIGN — \$35.00

Total — \$85.00

MICROFILMED

036038011781CHRC

BA 0009-1.1AM04 14-95

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: ~~420~~ 360

Petitioner: Herman S. Breeden and Lorraine T. Breeden

Location: 933 Martin Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Herman S. Breeden

ADDRESS: 933 Martin Road

Baltimore, Maryland 21221

PHONE NUMBER: 574-3043

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTNENT PUBLISHING COMPANY
April 27, 1995 Issue - Jeffersonian

Please forward billing to:

Herman S. Breeden
933 Martin Road
Baltimore, MD 21221
574-3043

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-364-A (Item 360)
933 Martin Road
S/S Martin Road, 870' +/- E of c/l Marlynn Avenue
15th Election District - 5th Councilmanic
Legal Owner: Herman S. Breeden and Lorraine T. Breeden
HEARING: TUESDAY, MAY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 6 inches in lieu of the required 7.5 foot setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-364-A (Item 360)

933 Martin Road

S/S Martin Road, 870' +/- E of c/l Marlynn Avenue

15th Election District - 5th Councilmanic

Legal Owner: Herman S. Breeden and Lorraine T. Breeden

HEARING: TUESDAY, MAY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 6 inches in lieu of the required 7.5 foot setback.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Herman and Lorraine Breeden
Alfred L. Brennan, Jr., Esq.
Arlene Janicki

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 16, 1995

Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No.: 360
Case No.: 95-364-A
Petitioner: Herman Breeden, et ux

Dear Mr. Brennan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over the word "Sincerely,".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 24, 1995

SUBJECT: Variance Requests

INFORMATION:

Item Numbers: 352, 354, 355, 356, 359, and 360.

SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Keller

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 5, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 1, 1995
Items 352, 353, 354, 355, 358, 359, and 360 *(circled)*

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

Joyce Walson
ZAD Comments

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4/28/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4/24/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 352

-354

358

-359

360

361

LS:sp

LETTY2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/25/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 24, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 352, 354, 355, 356, 357,
358, 359 AND 360.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4201, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-21-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 360 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

RE: PETITION FOR VARIANCE
933 Martin Road, S/S Martin Road, 870'
+/- E of c/l Marlynn Avenue
15th Election District, 5th Councilmanic

Herman S. and Lorraine T. Breeden
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-364-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Alfred L. Brennan, Jr., Esquire, 825 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



***** CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION *****

CASE NUMBER C- 95-1278ELECTION DISTRICT: 15LOCATION: 933 MARTIN RD

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:

☐ THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.☒ THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:REMOVE THE CARPORT OR FILE FOR AVARIANCE THROUGH A PUBLIC HEARING

FAILURE TO COMPLY BY MARCH 6 1995, WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

☐ COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.INSPECTOR: C. McGrawDATE: 2-6-95ITEM # 322

R.5.5

MARLYN

TERRACE

SITE

MARTINDALE

DR. 5.5

LANCE

TIBSEN
AVE

AVE

KINWA

ESSEX

NE 1-H

200'

AVE

80333-A

91162-A

92216-A

364-A
MICROFILMED

PROTESTANT(S) SIGN-IN SHEET

NAME

Edward C. Janishi

ADDRESS

931 Martin Rd

21221

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Herrman Brecken

933 Martin R.D. 21221



Aero Aluminum Products, Inc.

LICENSE NO. 3356

201 EYRING AVENUE
BALTIMORE, MD. 21221
PHONE: 687-5188
FAX: 687-5193

AGREEMENT made this 23 day of Dec, 19 94, between
hereinafter referred to as CONTRACTOR, and

Customer(s) Mr. Herman B. Breen

Street Address 922 N. Main St. Work No. _____

Town of Baltimore State of MD Zip Code _____ Tel. No. 574-3043

Location of Work Back of House

SPECIFICATION

Remove steps down aluminum patio
area located 29' x 48' approx 11'4"
height on front
to 17' FT. aluminum columns against wall
color white wood black railing

NO WORK OTHER THAN WHAT IS WRITTEN ABOVE WILL BE PERFORMED

Cash Price \$ 3700.00

Cash Deposit \$ 0

Cash Balance \$ 3700.00

If customer elects contractor's cash price, balance due will be payable as follows unless otherwise specified: down payment 1/3; 1/3 upon completion of 50% of job; balance due upon completion. There will be a late charge of 1 1/4% per month on all unpaid balances. Initial cash deposit may not exceed 33% of total contract price. If job cannot be 100% completed due to reasons beyond contractors control only 5% of total sum can be withheld, and paid in full upon completion.

TERMS

- ☒ Customer elects Contractor's Cash Price. The Cash Balance is payable as provided.
- ☐ Customer elects the Contractor's Deferred Payment Price. The terms and conditions for payment of the Contractor's Deferred Payment Price are as set forth in the document which is attached to and made a part of this contract, and is subject to credit approval.

We will not be responsible for patio enclosures installed on slabs that are not properly footed, therefore resulting in frost damage which may interfere with operation of windows and doors. (We will not be responsible for permits)

LIQUIDATED DAMAGE ON DEFAULT

If prior to commencement of the work by the Contractor, Customer unilaterally cancels this contract otherwise than pursuant to law, then because of the difficulty in determining Contractor's actual damages as a result of such default, Customer agrees to pay to the Contractor, on demand after such default, liquidated damages of \$ 3700.00 which is equal to 25% of the Cash Price.

APPROVAL BY CONTRACTOR

This contract shall not be binding on contractor until approved by an authorized officer of contractor. Any cash deposit made will be refunded to customer if an authorized officer of contractor does not approve this contract.

MISCELLANEOUS

No action by the Contractor will be considered a waiver of rights or remedies unless specified in writing. If the Contractor sues for money due under any default or breach in connection with this contract the customer agrees to pay all court costs and a reasonable attorney's fee of 15% of the amount due. If the Contractor requests, Customer will sign a completion certificate when the work under this Contract is finished. The Contractor may delay in enforcing any of its rights and remedies without losing any rights and may accept late or partial payments without waiving any default. In this Contract the word "Customer," or "him" means each Customer who signs this Contract and if more than one each such Customer shall be jointly and severally obligated under this Contract. The word "Contractor" means this document together with all other documents executed by Customer in connection with this Contract. The word "Contract" means the Contractor signing below and its successors and assigns. This Contract constitutes the entire understanding of the parties and no other understanding, collateral or otherwise, shall be binding unless in writing or signed by both Customer and Contractor; however, for purposes of any such written changes to this Contract, execution of such changes by any one Customer (if more than one Customer has executed this Contract) shall be sufficient to bind all such Customers originally executing this Contract.

All home improvement contractors and sub-contractors must be licensed by the Home Improvement Commission. If you have any questions, contact the Maryland Home Improvement Commission at 659-6310.

No other work is to be done, unless specified in writing in this contract. This contract constitutes the complete agreement.

The work required by this Contract will start approximately 1/1/95, 1995 and will be completed approximately 1/15/95, but Contractor shall not be liable for delays due to causes beyond its control, including adverse weather conditions and availability of materials. It is agreed and understood that work under the contract commences at such time as the contractor institutes office and administrative procedures required by this contract. If material selected is unavailable, customer agrees to select another material of equivalent value. All workmanship is unconditionally guaranteed for 1 year from date of completion, acts of God excepted. This contract is secured by: a. () Promissory Note, b. () Deed of Trust, c. () Mortgage, d. () Covenant.

NOTICE

"YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

NOTE: ALL HOME IMPROVEMENT CONTRACTORS AND SUBCONTRACTORS MUST BE LICENSED BY THE MARYLAND HOME IMPROVEMENT COMMISSION. IF YOU HAVE ANY QUESTIONS, CONTACT THE COMMISSION AT 659-6310.

NOTICE: ANY HOLDER OF THIS CONSUMER CREDIT CONTRACT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS OR SERVICES OBTAINED PURSUANT HERETO OR WITH THE PROCEEDS HEREOF. RECOVERY HEREUNDER BY THE DEBTOR SHALL BE LIMITED TO AMOUNTS PAID BY THE DEBTOR HEREUNDER.

CUSTOMER

By

SALESMAN

CO-CUSTOMER (Co-Owner of real estate)

MICROFILMED

LICENSE NO.

3356

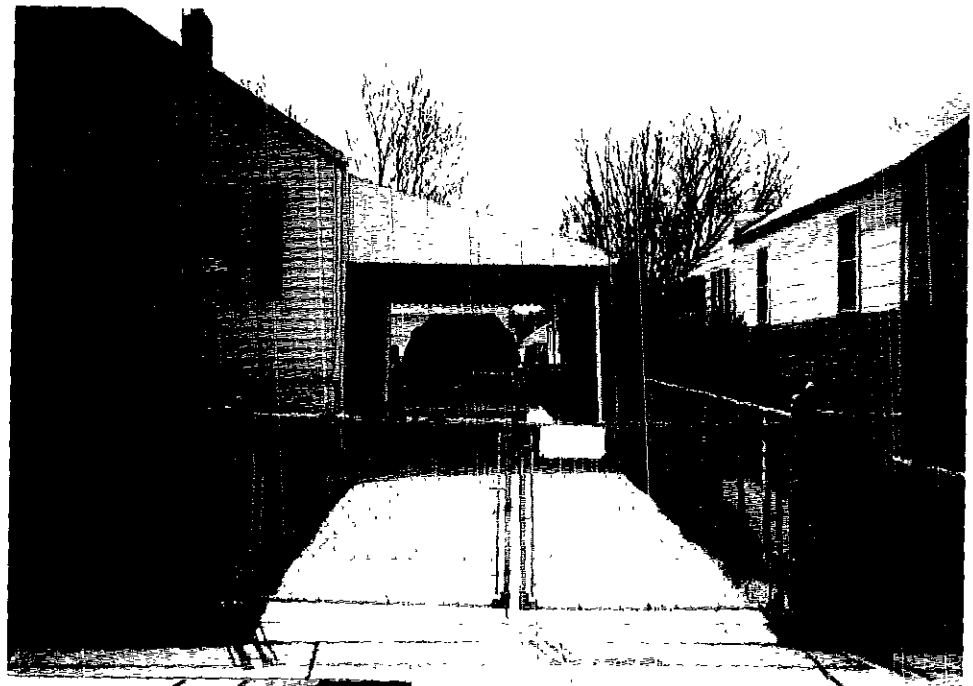


95-364-

933 Martin Road

◀ FRONT/SIDE ELEV

SIDE FRONT
PROPERTY



FRONT ELEV



◀ REAR ELEV

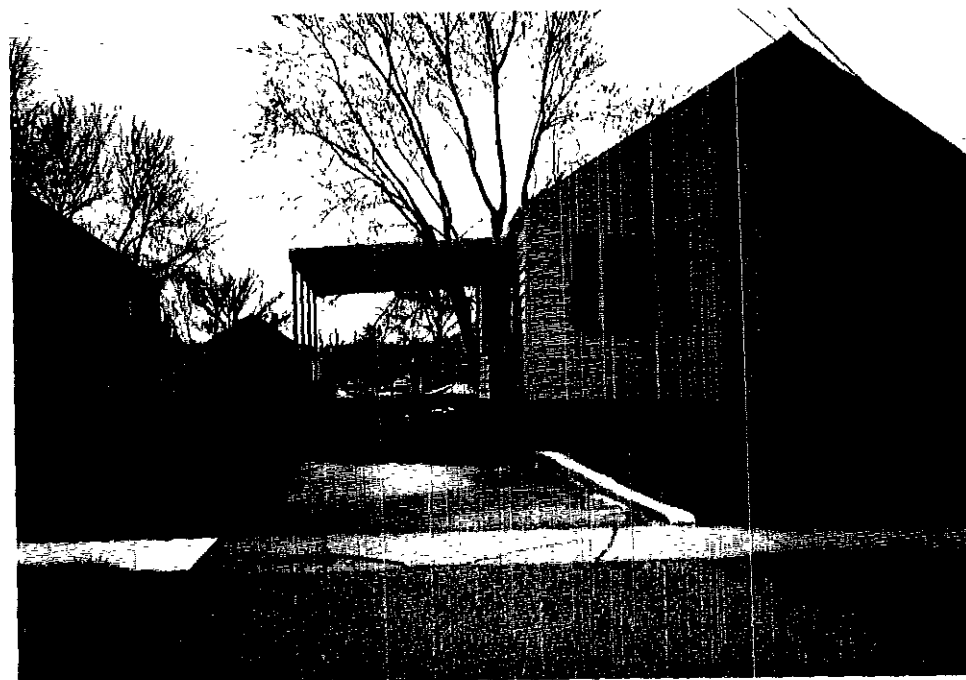
Part 1A

ITEM # 3001



915-536.4 11

940 Martin Road



943 Martin Road



945 Martin Road

Ref 1B

ITEM # 360
~~400~~

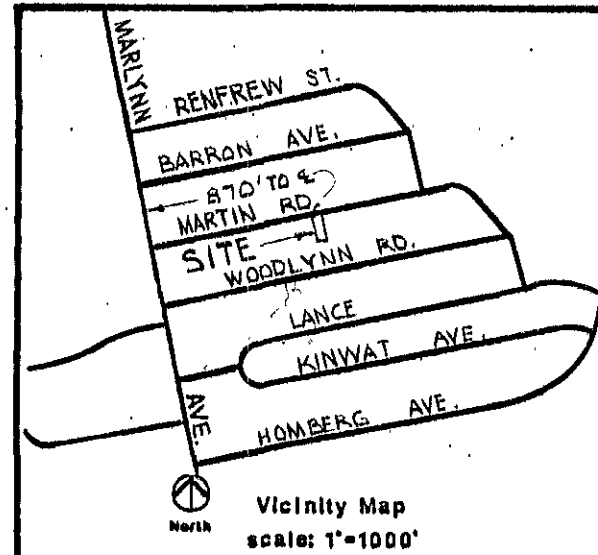
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 933 MARTIN ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: MARTINDALE
plat book# 14, folio# 51, lot# 96, section#

OWNER: BREEDEN, HERMAN



LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1"=200' scale map#: NE 1-H

Zoning: DR 5.5

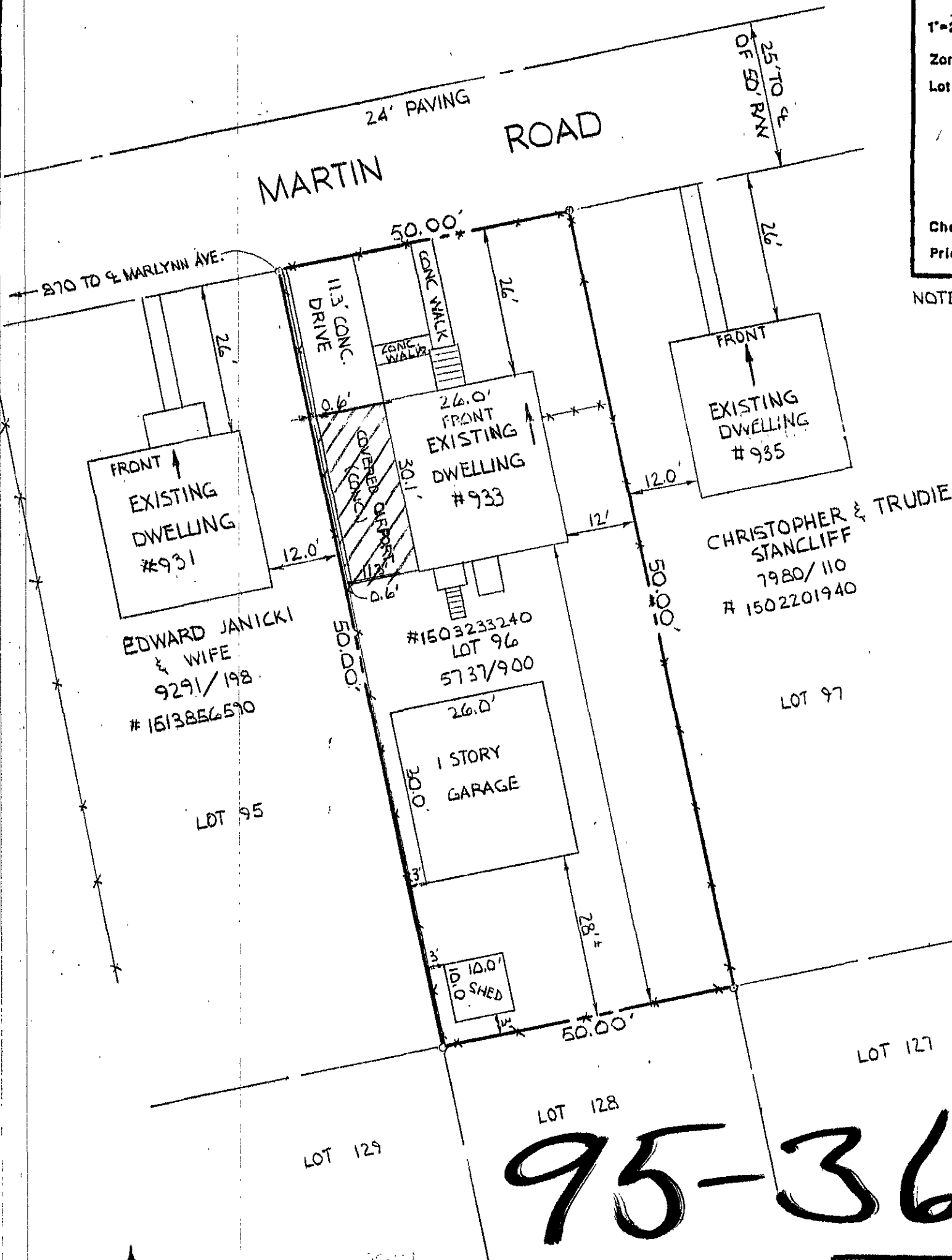
Lot size: 0.155 acreage 6750 square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

NOTE: NO 100YR. FLOOD PLAIN.



North

date: 2-17-95

prepared by: (P.S.) K.L.S.

Scale of Drawing: 1"= 20'

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

R.T.

360
400

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 30, 1995

Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 95-364-A
Petition for Zoning Variance
Property: 933 Martin Road
Mr. and Mrs. Herman S. Breedan, Petitioners

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Herman S. Breedan
Mr. and Mrs. Edward B. Janicki



IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Martin Road, 870 ft. +/- * ZONING COMMISSIONER
E of c/l Marlyn Avenue *
933 Martin Road * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District *
Herman S. Breeden, et ux * Case No. 95-364-A
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 933 Martin Road in the residential subdivision known as Martindale in Eastern Baltimore County. The Petition is filed by Herman S. Breeden and Lorraine T. Breeden, his wife, property owners. Variance relief is requested from Section 301.1.A. of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 inches in lieu of the required 7.5 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the aforementioned property owner, Herman S. Breeden. He was represented by Alfred L. Brennan, Jr., Esquire. Appearing as interested persons/Protestants were Mr. and Mrs. Edward B. Janicki, who reside immediately next door to the subject property at 931 Martin Road.

Testimony and evidence presented by the Petitioner was that he and his wife have lived on the subject property since 1977. Mr. Breeden is 68 years of age and his wife is 76 years old. He advised that she is in poor health.

The subject property is approximately .155 acres in area and is zoned D.R.5.5. It is improved by an existing single family dwelling and a one story garage towards the rear of the property. Also on site is a small shed and a concrete driveway.

Owing to his wife's age and poor health, Mr. Breeden testified that he decided to erect a carport over top of the existing concrete drive. As shown on both the site plan and the photographs submitted, the carport is attached to the exterior side wall of the subject property and extends over a portion of the driveway. The carport is open on three sides. Mr. Breeden indicated that the carport was useful in allowing he and his wife to enter and exit their vehicle during inclement weather and to unload groceries and other household items. Mr. Breeden also noted that numerous other residences in the subject community feature similar carports and produced a series of photographs depicting same.

For their part, the Janickis object to the carport for several reasons. First, they complained of noise from rain falling on the roof of the carport. Also, they are concerned if snow were to accumulate on the top of the carport roof and fall into their yard. They noted that their yard is located within a low lying area and does not drain well.

As to weather concerns, photographs of the carport do show that same is equipped with a rain gutter and downspouts to direct the water off of the roof and away from the Janickis' dwelling. Moreover, owing to the location of the existing driveway, clearly the only practical location for the carport is where same has been installed.

Based on the testimony and evidence offered, I am persuaded that the Petitioner has satisfied its burden and that the variance relief should be granted. The unique characteristic of this lot which justifies the variance is its narrow width and the placement of the existing structures. A carport of the dimension which would be allowed under the regulations would be too narrow to provide any practical benefit. Moreover, I am persuaded that for so long as the rain gutter and downspouts are main-

-2-

tained, the impact on the neighboring property will be negligible. For these reasons, I will grant the Petition for Variance, with restrictions.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of May, 1995 that a variance from Section 301.1.A. of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 inches in lieu of the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
3. The carport shall continue to be maintained with the rain gutter and downspouts so as to direct the flow of rain water off of the roof of same and away from the neighboring property at 931 Martin Road.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES/mnn

-3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 30, 1995

Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 95-364-A
Petition for Zoning Variance
Property: 933 Martin Road
Mr. and Mrs. Herman S. Breeden, Petitioners

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

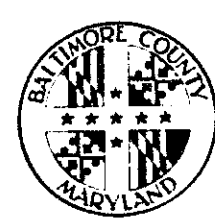
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mnn
att.
cc: Mr. and Mrs. Herman S. Breeden
Mr. and Mrs. Edward B. Janicki

Printed with Soybean Ink
on Recycled Paper



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 933 Martin Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1A (B.C.Z.R.) to permit a side yard set back of 6 inches in lieu of the required 7.5 foot set back

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (Indicate hardship or practical difficulty.) Petitioners have an existing covered carport next to their home. There are other homes on the same street with carports.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee
(Type or Print Name)
Signature
Address
City
State
Zip
Acting for Petitioner
ALFRED L. BRENNAN, JR.
(Type or Print Name)
Signature
825 Eastern Boulevard 682-3434
Baltimore, Maryland 21221
City State Zip

LEGAL OWNER(S)
HERMAN S. BREEDEN
(Type or Print Name)
Signature
LORRAINE T. BREEDEN
(Type or Print Name)
Signature
933 Martin Road 574-3043
Baltimore, Maryland 21221
City State Zip
ALFRED L. BRENNAN, JR.
(Type or Print Name)
Signature
825 Eastern Boulevard 687-3434
Baltimore, Maryland 21221
City State Zip

ESTIMATED LENGTH OF HEARING
the following date: _____ Hear Two Months
ALL OTHER
REVIEWED BY: R.T. DATE: 6-14-95

ITEM # 360

BEING KNOWN AND DESIGNATED as Lot No. 96, as shown on the Plat of Martindale, which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.B. No. 14, folio 51. The improvements thereon being known as No. 933 Martin Road

75-364

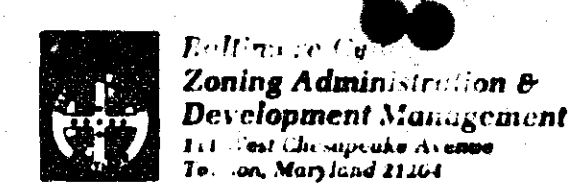
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 5/11/95
Posted for: Variance
Petitioner: Herman S. Breeden, Lorraine T. Breeden
Location of property: 933 Martin Rd., 4th
Location of Signs: Facing road, on property, back road
Remarks:
Posted by: M. Schmidt
Number of Signs: 1
Date of return: 5/12/95

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/28, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/27, 1995.

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON



receipt
95-364-A

Account: R 001-4100

ITEM Number 360

Date 4/14/95

CIC Residential Variance - \$1500
CSO POSTING & SIGN - \$1500
TOTAL - \$3000

0340380117NCHRC
BA C02913AM04-14-95
Please Make Checks Payable To: Baltimore County

\$85.00

Cashier Validation

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 440 360

Petitioner: Herman S. Breeden and Lorraine T. Breeden

Location: 933 Martin Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Herman S. Breeden

ADDRESS: 933 Martin Road
Baltimore, Maryland 21221

PHONE NUMBER: 574-3043

AJ:ggg (Revised 04/09/93)

TO: PUBLISHER PUBLISHING COMPANY
April 27, 1995 Issue - Jeffersonian

Please forward billing to:

Herman S. Breeden
933 Martin Road
Baltimore, MD 21221
574-3043

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-364-A (Item 360)
933 Martin Road
S/S Martin Road, 870' +/- E of c/l Marilyn Avenue
15th Election District - 5th Councilmanic
Legal Owner: Herman S. Breeden and Lorraine T. Breeden
HEARING: TUESDAY, MAY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 6 inches in lieu of the required 7.5 foot setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

April 21, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-364-A (Item 360)
933 Martin Road
S/S Martin Road, 870' +/- E of c/l Marilyn Avenue
15th Election District - 5th Councilmanic
Legal Owner: Herman S. Breeden and Lorraine T. Breeden
HEARING: TUESDAY, MAY 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 6 inches in lieu of the required 7.5 foot setback.

Arnold Jablon
Arnold Jablon
Director

cc: Herman and Lorraine Breeden
Alfred L. Brennan, Jr., Esq.
Arlene Janicki

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

May 16, 1995

Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No.: 360
Case No.: 95-364-A
Petitioner: Herman Breeden, et ux

Dear Mr. Brennan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 24, 1995

SUBJECT: Variance Requests

INFORMATION:

Item Numbers: 352, 354, 355, 356, 359, and 360.

SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Long*

PK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 5, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 1, 1995
Items 352, 353, 354, 355, 358, 359, and 360

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Joyce Watson
ZAC Comments
BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 4/28/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4/28/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 352
-354
358
-359
360
361

LS:sp

LETTY2/DEPRM/TXTSDP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 04/25/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 24, 1995.

Item No.: SEE BELOW Zoning Agenda:

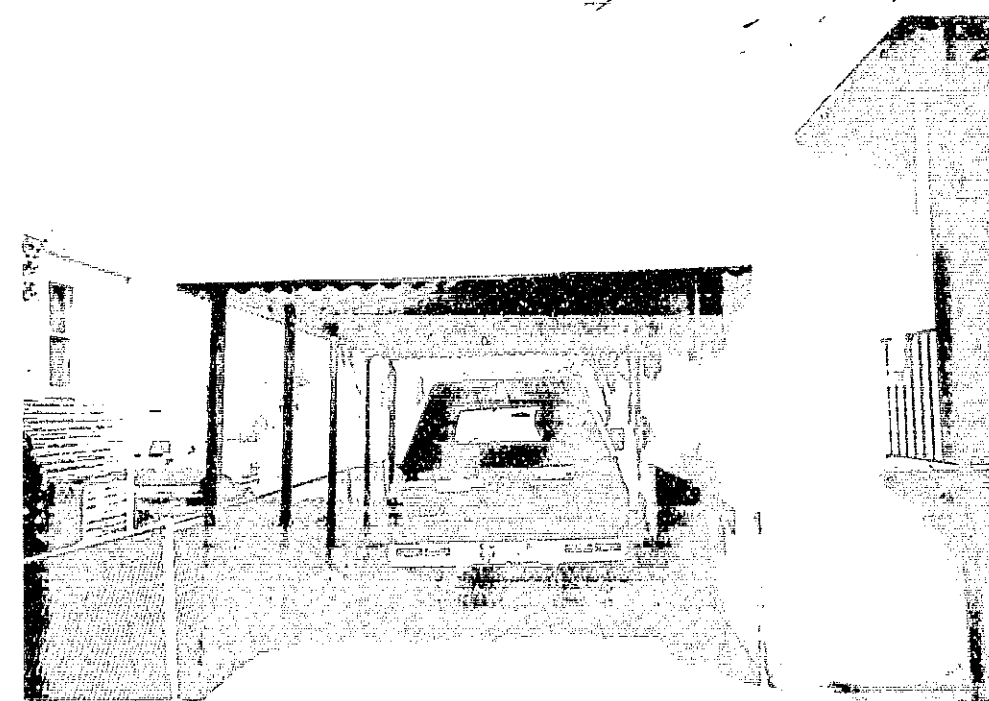
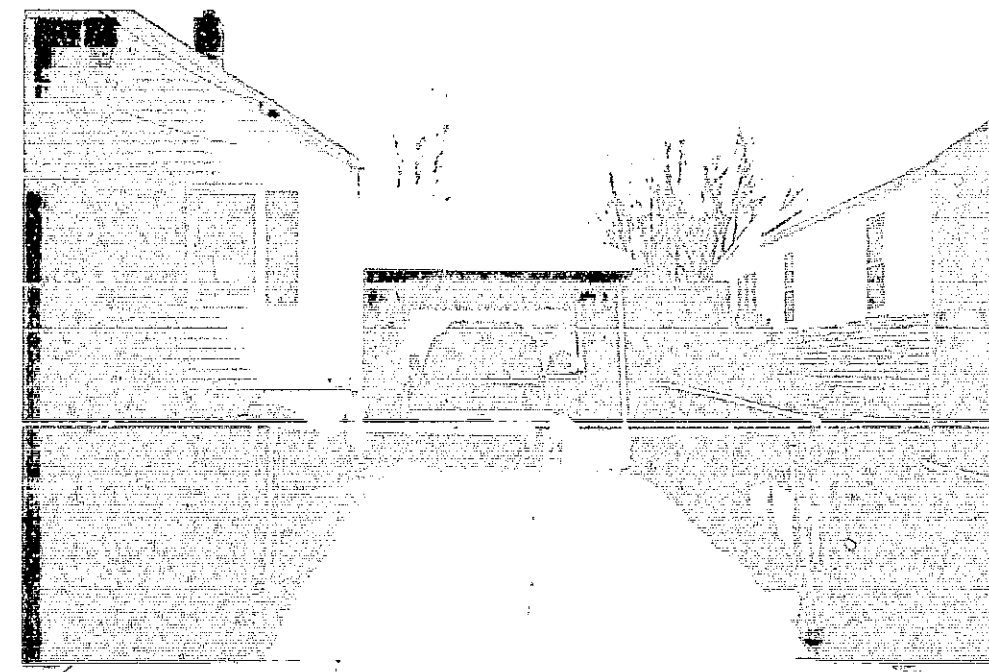
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

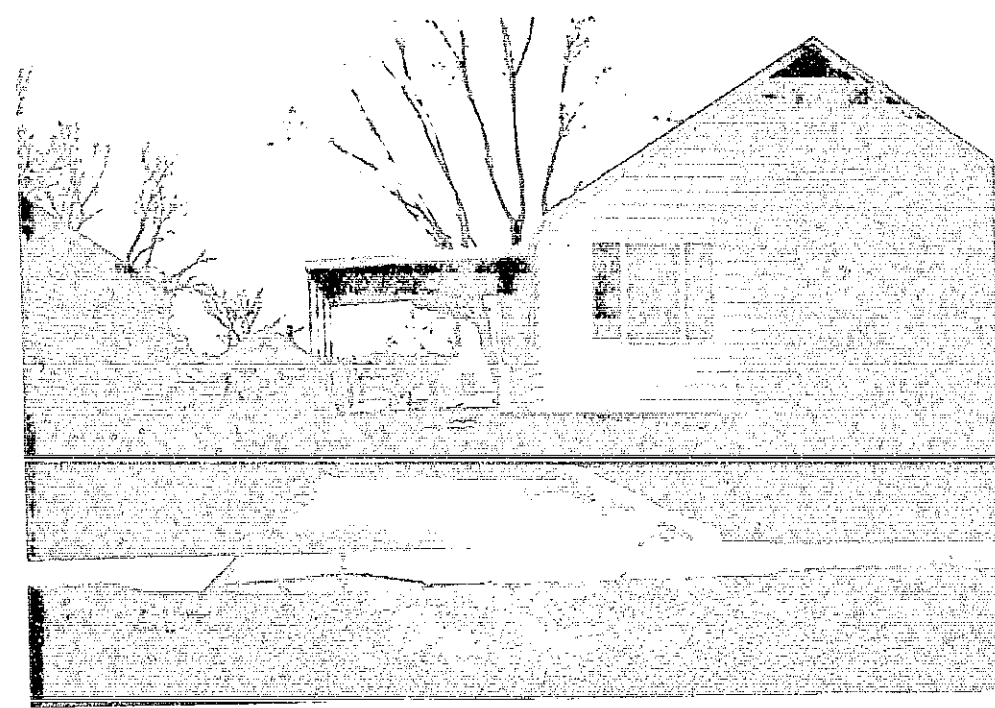
B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 352, 354, 355, 356, 359, 358, 359 AND 360.



933 Martin Road



940 Martin Road



947 Martin Road

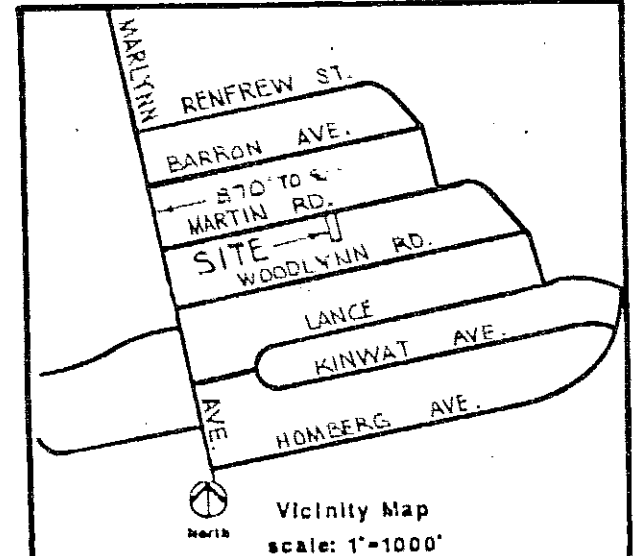
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 933 MARTIN ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: MARTINDALE
plat book# 14, folio# 51, lot# 96, section#

OWNER: BREEDEN, HERMAN



LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1"=200' scale map#: NE 1-14

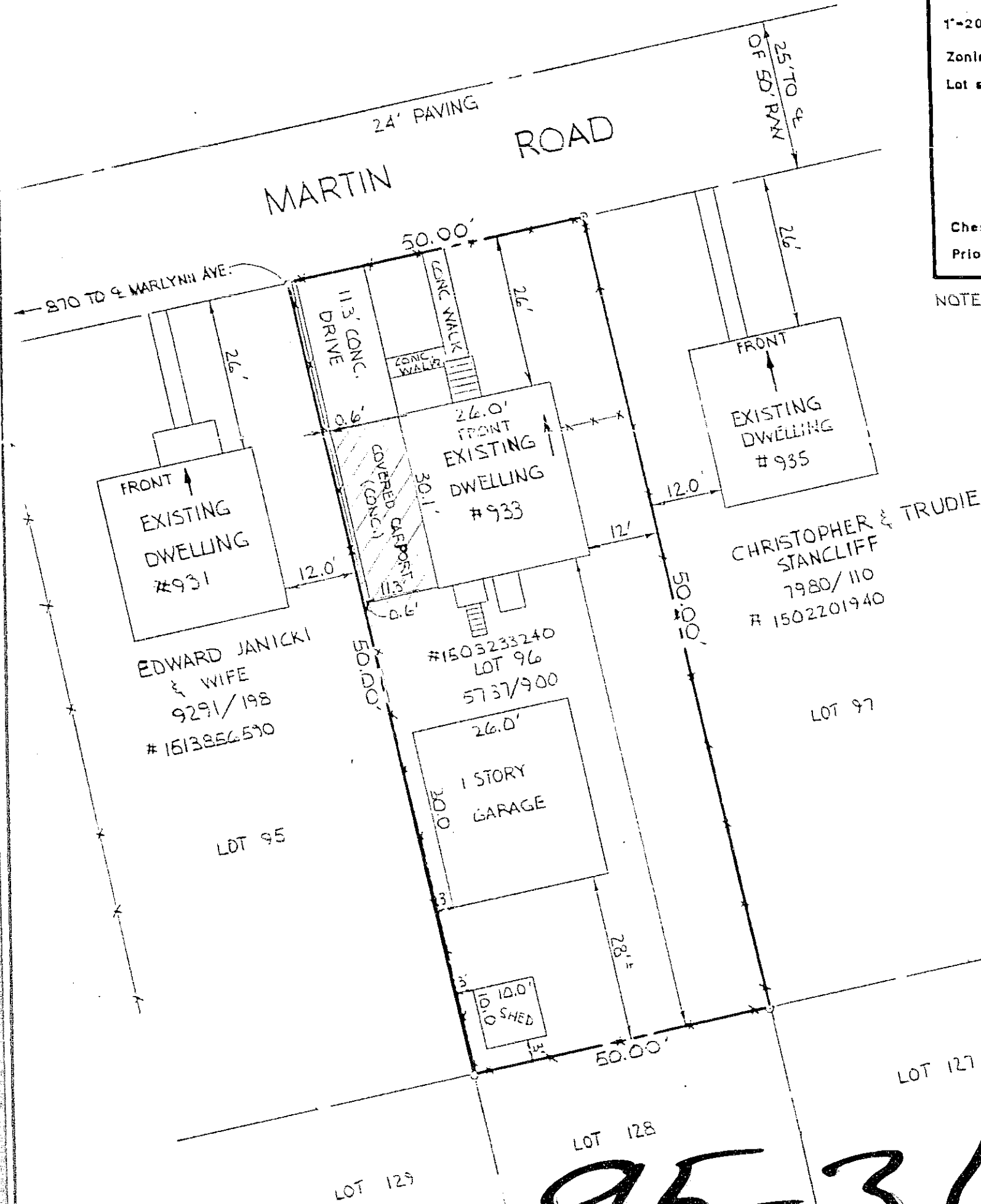
Zoning: DR 5.5

Lot size: 0.155 acreage 6750 square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings:

NOTE: NO 100YR. FLOOD PLAIN.



EDWARD JANICKI
& WIFE
9291/198
#1513956570

CHRISTOPHER & TRUDIE
STANCLIFF
7980/110
#1502201940

95-364-A

North
date: 2-17-95
prepared by: (PS) K.L.S.

Scale of Drawing: 1"= 20'

| Zoning Office USE ONLY! | | |
|-------------------------|------------|------------|
| reviewed by: | ITEM #: | CASE#: |
| <u>R.T.</u> | <u>360</u> | <u>100</u> |